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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RUSSELL SHETTERS III,

Petitioner,

vs.

SUPERINTENDENT JOE SCHMIDT,

Respondent.

Case No. 3:04-cv-0142-TMB-JDR

**MOTION FOR TWO ADDITIONAL
WEEKS TO FILE RESPONSE
TO RESPONDENT'S
MOTION TO DISMISS PETITION
AS TIME-BARRED
*Filed on Shortened Time***

Petitioner, Russell Shetters, III, by and through counsel Mary C. Geddes, Assistant Federal Defender, hereby files this motion to allow petitioner an additional two weeks to respond to respondent's motion to dismiss his petition. The response is due today, July 1, 2008. Respondent argues that Mr. Shetters' petition is out of time by either 55 or 13 days. Respondent's counsel, Michael McLaughlin, is on leave until tomorrow, so his position on this motion has not yet been ascertained.

Counsel for Mr. Shetters does require additional time to respond to the motion because her defense requires the review of Department of Correction records for Mr. Shetters

during the past several years, and an apparently related civil lawsuit. Her investigation may take more than two weeks, depending on the accessibility of those records, but counsel will attempt to meet her proposed deadline on short order.

DATED this 1st day of July, 2008.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on July 1, 2008, a copy of the foregoing document, with attachments, was served electronically on:

Michael Sean McLaughlin, Esq.

/s/ Mary C. Geddes